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January 12, 2024

Via ECF

Hon. Katherine H. Parker
Southern District of New York
40 Foley Square, Room 2103
New York, New York 10007

Re: *John Doe v. City of New York, et al.*, 22-CV-2690 (PKC) (KHP)

Your Honor:

I am a Senior Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York (the "City"), assigned to the defense of the above-captioned matter. Defendants write to respectfully request, pursuant to the Court's Order of October 31, 2023 (ECF No. 112) and the Court's Individual Practices, that the Court permit the filing under seal of the attached Exhibit A to the defendants' Declaration of Alan H. Scheiner submitted in support of defendants' Motion to Preclude the Testimony of Plaintiff's Expert Joseph Pollini, submitted today. Sealing is requested because that Exhibit contains information that is subject to the Stipulation of Confidentiality and Protective Order entered on June 27, 2023 (ECF No. 11), and the Court's sealing order of April 1, 2022 (ECF No. 3).

We thank the Court for its consideration of this matter.

Respectfully submitted,
Alan H. Scheiner /s/
Alan H. Scheiner
Senior Counsel

It is well established that the fact that documents have been exchanged pursuant to a stipulation of confidentiality and protective order is not a sufficient basis for sealing of those documents. *Susquehanna Int'l Grp. Ltd. v. Hibernia Express (Ir.) Ltd.*, 2021 WL 3540221, at *4 (S.D.N.Y. Aug. 11, 2021). Having conducted its own analysis of the document sought to be sealed, i.e. Plaintiff's expert report at ECF No. 144-2, it is unclear to the Court that any higher values would be protected by permitting the entire report to be filed under seal. However, the Court is mindful of the sensitive nature of this case, and accordingly will permit the parties to meet and confer and propose redactions to the expert report and re-file the motion to seal stating what "higher values" will be protected by the proposed redactions. See *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 124 (2d Cir. 2006). Any renewed motion to seal must be filed by **March 29, 2024** or the Court will unseal the expert report. In the interim, the Clerk of the Court is respectfully directed to maintain the document at ECF No. 144-2 under seal pending further submission from the parties.

SO ORDERED:

Katherine H. Parker

HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE

3/15/2024